

## **DRAFT**

# **MINUTES OF THE ANNUAL MEETING OF THE MISQUAMICUT FIRE DISTRICT HELD SATURDAY, JUNE 14, 2014**

**The Annual Meeting of the Misquamicut Fire District was held at the Misquamicut Fire Station House, 65 Crandall Avenue, Misquamicut, Rhode Island on Saturday, June 14, 2014, at 10:00 a.m. Written notification was provided by posting in three (3) locations within the District, by direct mail, and by notice in The Westerly Sun, a local newspaper publication.**

## **CALL TO ORDER**

**The Annual Meeting was called to order by Moderator Michelle Vacca at 10:04 a.m. Officers present at the meeting were the Moderator, Michelle Vacca, the District Clerk, Dianne Vumback, the Tax Collector, Mary Delisio, the Treasurer, William T. Sisco, the Assessor, Leone D'Onofrio, Members at Large, Russell Ryan and Marilyn Bellesheim, Fire Chief Shannon Earle, and the District Solicitor, John P. Toscano, Jr., Esq.**

## **CALL OF MEETING**

**Dianne Vumback, District Clerk, read the Notice of the Annual**

**Meeting. A copy of the Notice of Annual Meeting is attached hereto and made a part hereof (EXHIBIT A).**

## **SALUTE TO FLAG & MEMORIALS**

**All stood for the Pledge of Allegiance, led by Moderator Vacca.**

## **INTRODUCTION OF OFFICERS**

**Clerk Vumback introduced all Fire District Officers and the Fire District Solicitor, all of whom were present.**

## **MEMORIALS**

**A moment of silence was observed for all deceased Fire District residents, namely, Gerard Boucher, Philip Cannon, Richard Entwhistle, Paul Giguere, Peter Kaschuluk, Charlie Koulbanis, and Ron Pont.**

## **MODERATOR'S OPENING STATEMENT**

**Moderator Vacca addressed the body and expressed her appreciation for the notes of gratitude addressed to the board for the work done after Superstorm Sandy. She provided an update on the beach facilities and closed with wishing MFD a happy 99th birthday.**

**Moderator Vacca's opening statement, a copy of which marked EXHIBIT B is attached to these minutes and made a part hereof.**

## **RETIRING OF CHIEF LOUIS MISTO**

**Former Fire Chief Louis Misto stood before the body stating that he had retired as Fire Chief of the Misquamicut Fire District in May. He expressed his honor to serve in this role for 14 years and thanked all the moderators and board members he has worked with. He specifically thanked his deputy chiefs, captains, and his wife. In closing, he gave his full support to the new Fire Chief Shannon Earle.**

## **PRESENTMENT of 2014 GERARD NARDONE AWARD**

**Moderator Vacca presented the Gerard Nardone Award for the year 2014 to Jane Boucher, stating her appreciation for the tireless work Jane has done for our district. Jane was present to receive the award.**

## **DON GENTILE/DON HISTORIAN**

**In honor of the upcoming centennial anniversary for the Misquamicut Fire District, Don Gentile was here to give a historical perspective of Misquamicut and participated in a book signing event for his book**

entitled, “Misquamicut”.

## **MINUTES OF THE 2012 ANNUAL MEETING**

Clerk Vumback asked for a motion to waive the reading of the 2013 Annual Meeting minutes and to accept said minutes as presented.

Upon motion, and duly seconded, to dispense with the reading of the minutes of the June 2013 Annual Meeting and to accept said minutes, it was unanimously

**VOTED:** To dispense with the reading of the minutes of the June 2013 Annual Meeting and to accept said minutes.

## **OFFICERS' REPORTS**

### **Fire Chief – Fire Department**

Chief Earle gave his report, a copy of which marked EXHIBIT C is attached hereto and made a part hereof.

### **Moderator**

Moderator Vacca gave an update of the district and the new buildings.

She mentioned the frequent meetings incurred to restore the beaches and to prepare for this season. She then opened the floor to questions. Discussion included parking and the need for signage;

enforcing of the beach rules, namely, smoking, drinking, littering; posting of rules, checking of passes and having the beach attendants walking the beaches throughout the day. The Moderator encouraged all concerns to be directed to George Maynard, Beach Manager. A statement was made about the lighting problem and the light ordinance; the drainage problems, and the walkways over the dunes. The discussion ended with several taxpayers thanking the board for what was done at the beaches.

### **Treasurer**

William Sisco, Treasurer, gave his report, a copy of which marked EXHIBIT D is attached hereto and made a part hereof.

### **OFFICER NOMINATIONS**

Clerk Dianne T. Vumback placed into nomination for re-election all of the present Officers of the Board, namely, Michelle Vacca for Moderator, Dianne Vumback for Clerk, Shannon Earle for Fire Chief, William Sisco for Treasurer, Mary Delisio for Tax Collector, Leone D'Onofrio for Tax Assessor, Russell Ryan and Marilyn Bellesheim for Members-at-Large, and John Toscano for Solicitor. She then asked for any nominations from the floor. Harold Stedman was nominated for the position of Fire Chief and Connie Lutzell was nominated for the position of Clerk. The nominees, as well as the challenged officers, addressed the body as to their desire for the position and their qualifications. Having no further nominations from the floor, a motion was made and seconded that all current Officers with the

**exception of the Fire Chief and Clerk be re-elected for the 2014-2015 year, it was**

**VOTED: That all the current Officers with the exception of the Fire Chief and the Clerk be re-elected for the 2014-2015 year.**

**Clerk Vumback announced that because two positions are being contested, there will be an election for Fire Chief and Clerk to be held on Saturday, June 21, 2014, between the hours of 8:00 a.m. and 2:00 p.m. at the Fire Station.**

## **2014-2015 PROPOSED BUDGET**

**The proposed 2014-2015 was presented by Treasurer William Sisco, who addressed the body with his report, a copy of which marked EXHIBIT E is attached hereto and made a part hereof.**

**Treasurer Sisco entertained questions, namely concerning the sinking fund and the elimination of funds from the fire department budget.**

**A motion is made by Steve Pont and seconded by Mary Jane DiMaio to increase the fire department budget by increasing fuel \$1,000, restore \$2,000 in repairs and maintenance, increasing firemen's fund from \$1,500 to \$5,000 and restore the \$500 for education.**

## **Discussion:**

Questions arose about the procedure/process on how it is determined to eliminate funds and the role of the finance board. Doug Turnberg asked how the new Chief felt about this increase, to which Chief Earle commented on the need to constantly assess and evaluate costs.

A motion was made and duly seconded to move the original motion, it was

**VOTED:** To move the original motion made by Steve Pont.

With the final number that was being proposed to be added back to the fire departments budget at \$11,530,

**The motion was DEFEATED**

A discussion arose pertaining to the increase in professional fees from \$5,000 to \$10,000 and the intent to pay the architect of the bath houses.

A motion was made by Doug Turnberg and seconded by Steve Pont to remove the \$5,000 miscellaneous increase out of the budget.

## **Discussion:**

**Leone D'Onofrio addressed the body with an explanation of the boards' thoughts and intentions with the \$5,000 increase.**

**A motion was made and duly seconded to move the original motion, it was**

**VOTED: To move the original motion made by Doug Turnberg to remove the \$5,000 miscellaneous increase out of the budget.**

**The motion was DEFEATED**

**Upon motion made and duly seconded, to accept the 2014-2015 Budget, it was**

**VOTED: To accept the 2014-2015 Budget.**

## **2014-2015 PROPOSED TAX RATE**

**Tax Assessor D'Onofrio addressed the body regarding the proposed tax rate. He explained that the rate the Board is setting is based off of last year's property values. He mentioned that that this year's proposed rate will be approximately \$0.72. Additionally, based on the collection rate, it was decided to increase that number from 92% to**

**96%.**

## **BEACH PARKING FEES FOR 2014-2015**

**Beach Parking Fees for 2015-2016 was discussed by Moderator Michelle Vacca. The fees have been set at \$200 seasonal/\$75 for weekly. She asks for a motion from the floor to accept.**

**Upon motion made and duly seconded, to accept the parking fees at \$200 seasonal and \$75 weekly, it was**

**VOTED: to accept the proposed parking fees of \$200/seasonal and \$75/weekly.**

## **DISTRICT RESOLUTIONS**

**The following District Resolutions were read by Clerk Vumback:**

- 1. Noise Resolution**
- 2. Zoning Resolution**
- 3. Liquor License Resolution**
- 4. Tax Resolution**
- 5. Indemnification Resolution**

**Clerk Vumback asked for a motion to accept said Resolutions as**

**presented. Upon motion made and seconded to approve all Resolutions as read, there being no discussion, upon a show of hands, all Resolutions were approved as read.**

### **MODERATOR'S CLOSING REMARKS**

**The Moderator started her closing remarks by asking for a motion to sell the sheds on the fire department grounds.**

**A motion was made by Mary Jane DiMaio and duly seconded to sell the shed for \$2,000.**

**VOTED: To sell the shed for \$2,000**

**One shed was sold to a successful bidder, Wayne Shuhi during the meeting for \$2,000.**

**Moderator Vacca encouraged all to vote in the election on Saturday from 8:00 a.m. to 2:00 p.m. and spoke of the important positions for the board.**

**In closing the Moderator wished all a happy and safe summer.**

**The Moderator than entertained a motion to recess the meeting until the election on June 21, 2014. Upon motion made and seconded, the meeting is hereby recessed to Saturday, June 21, 2014 for the**

**election of Fire Chief and Clerk.**

## **ELECTION RESULTS**

**Board member Mary Delisio was present as well as John Toscano, Solicitor. Facilitating the election was Moderator Emeritus Peter Przekop with the assistance of former Clerk Joan Przekop, and taxpayer volunteers. The voting booth opened at 8:00 a.m. on Saturday, June 21, 2014 and closed at 2:00 p.m.**

**There were two (2) candidates for Fire Chief, namely, Shannon Earle and Harold Steadman, and two (2) candidates for Clerk, namely, Dianne Vumback and Constance Lutzel. The election results for Fire Chief were Earle winning with 175 votes and Steadman receiving 91 votes. The election results for Clerk were Vumback winning with 187 votes and Lutzel receiving 78 votes.**

**A motion was made and seconded to adjourn the Annual Meeting at 2:28 p.m.**

**A true copy, attest:**

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**Dianne T. Vumback,  
MFD District Clerk**

## **NOISE RESOLUTION**

**That the Misquamicut Fire District be on record as opposed to loud noises and urges the Town of Westerly to adopt and/or enforce a ban on loud noise from business establishments and private residences, thereby protecting individual rights of peace.**



## **ZONING RESOLUTION**

**That the Misquamicut Fire District be on record as opposed to any changes of the zoning laws which would increase present business areas within the Misquamicut Fire District.**



## **LIQUOR LICENSE RESOLUTION**

**That the Misquamicut Fire District recommends to the Town Council of the Town of Westerly and the Westerly Licensing Board that the present limits on liquor licenses within the District be maintained, and the Misquamicut Fire District authorizes and directs the District Moderator, Clerk and Solicitor to appear in opposition at any hearing held to consider any application for a license which, if granted, would change the classification thereof or increase the number of licenses already issued; and**

**That the Misquamicut Fire District shall seek to have the present number of liquor licenses reduced.**

## **TAX RESOLUTION**

**That the electors of the Misquamicut Fire District, qualified to vote at the District meeting, legally assembled on this, the 14th day of June,**

**A.D. 2014, hereby order the assessment and collection of a tax on the ratable property of said District in a sum of not less than \$453,583.00 nor more than \$605,000.00, said taxes for ordinary expenses and charges, for the payment of interest and indebtedness, in whole or in part, of said District, and for other purposes authorized by law. The Assessor of Taxes shall assess and apportion said taxes on the inhabitants and ratable property in said District as of the 31st day of December, A.D. 2013, at Twelve O'clock (12:00 p.m.) Noon, according to law, and the last evaluation made by the Assessor of the Town of Westerly previous to this assessment, adding, however, any taxable property which may have been omitted by said Town Assessor, or afterwards acquired on or before August 1, 2014, and on the completion of said assessment, the Assessor shall date, clarify and sign the same, and deliver the same to the Collector of Taxes on or before the 1st day of August, A.D. 2014. The Collector of Taxes, on receipt of said assessment, is hereby commanded to proceed and collect said tax on persons and estates liable therefore. Said tax shall be due and payable on or before the 30th day of September, A.D. 2014, and all taxes remaining unpaid on said date shall carry, until collected, a penalty at the rate of fifteen (15%) percent per annum upon unpaid taxes.**

## **INDEMNIFICATION RESOLUTION**

**That the taxpayers of the Misquamicut Fire District adopt the following Resolution presented by the District Solicitor regarding claims against employees of public bodies.**

**In accordance with the provisions of Section 45-15-16 of the General Laws of the State of Rhode Island, Chapter 45-15 entitled “Action By and Against Towns” as amended by an Act entitled “An Act Relating to Claims Against Employees of Public Bodies – Indemnification” passed at the January 1988 Session of the General Assembly, it is**

**resolved by the Misquamicut Fire District that the following Resolution relating to Indemnification is hereby adopted.**

**The District hereby indemnifies any and all elected or appointed Fire District Official, Fire District Employee, Members of Boards, Agencies and Commissions appointed by the District, from all loss, cost, expense and damage, including legal fees and court costs, if any, arising out of any claim, action, compromise, settlement or judgment by reason of any alleged error or misstatement or action or omission or neglect or violation of the rights of any person under any Federal or State law which imposes personal liability on any such District individual, if such neglect was acting within the scope of his or her duties or employment. Such indemnification shall not extend to any error, misstatement, act, omission or neglect if the same resulted from willful, wanton or malicious conduct on the part of such District individual. The District, acting through the District Solicitor, will provide legal counsel at the expense of the District, and/or the reimbursement for reasonable attorneys' fees and other expenses incurred in connection with the conduct of such defense, including payment of the judgment thereon. The District Solicitor is further authorized to pay any such expenses in advance of the final disposition of such claim upon receipt of a written undertaking by or on behalf of such District individual to repay such amount unless it shall ultimately be determined that he or she is entitled to be indemnified hereunder.**